

ADMINISTRATIVE PANEL DECISION

Saudi Arabian Oil Co. v. Punnusamy Arulmorzhi, Research Case No. D2023-1890

1. The Parties

The Complainant is Saudi Arabian Oil Co., Saudi Arabia, represented by Fish & Richardson P.C., United States of America (“U.S.”).

The Respondent is Punnusamy Arulmorzhi, Research, India.

2. The Domain Name and Registrar

The disputed domain name <aramcointernational.com> (the “Disputed Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 27, 2023. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On April 28, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Name which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint.

The Center sent an email communication to the Complainant on April 28, 2023 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on April 30, 2023.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on May 5, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 25, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 31, 2023.

The Center appointed Flip Jan Claude Petillion as the sole panelist in this matter on June 5, 2023. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant, Saudi Arabian Oil Co., has been established in 1933 and is an entity of the Saudi Aramco Group. The Complainant's group is one of the world's largest integrated energy and chemicals companies, maintaining operations in Saudi Arabia and internationally, with subsidiaries and affiliates in the United Arab Emirates, the U.S., China, Egypt, India, Japan, the Netherlands, Singapore, the Republic of Korea, and the United Kingdom.

The Complainant holds various registered trademarks for ARAMCO, including the following:

- ARAMCO, Saudi Arabian word mark No. 143306351, registered on October 2, 2013 in class 1;
- ARAMCO, European Union word mark No. 012676045, registered on August 15, 2014 in classes 1, 16 and 42.

The Disputed Domain Name has been registered on May 2, 2022 and appears to resolve to a registrar parking page. The Complainant provides evidence that an email address "[...][@aramcointernational.com](mailto:[...]@aramcointernational.com)" linked to the Disputed Domain Name, has been used to send emails including the Complainant's trademark, company name and logo, claiming to offer fictitious employment opportunities with the Complainant and soliciting payments in order to proceed with the application process.

5. Parties' Contentions

A. Complainant

The Complainant considers the Disputed Domain Name to be identical or confusingly similar to a trademark and trade name in which it claims to have rights.

The Complainant further claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. According to the Complainant, (i) the Respondent is not commonly known by the Disputed Domain Name, (ii) the Respondent is not authorized or licensed to use the ARAMCO trademark, and (iii) the Respondent has not used the Disputed Domain Name in connection with a *bona fide* offering of goods or services or a legitimate non-commercial or fair use. The Complainant claims that the Respondent uses the email addresses associated to the Disputed Domain Name to impersonate the Complainant by using the Complainant's famous ARAMCO trademark and logo in email communications.

Finally, the Complainant claims that the Disputed Domain Name was registered and is being used in bad faith. According to the Complainant, the Respondent was aware of the Complainant when registering the Disputed Domain Name. The Complainant argues that the Respondent has been using the Disputed Domain Name to pass itself off as the Complainant for commercial gain.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Paragraph 15 of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules, and any rules and principles of law that it deems applicable.

The onus is on the Complainant to make out its case and it is apparent, both from the terms of the Policy and the decisions of past UDRP panels, that the Complainant must show that all three elements set out in paragraph 4(a) of the Policy have been established before any order can be made to transfer the Disputed Domain Name. As the UDRP proceedings are administrative, the standard of proof is the balance of probabilities.

Thus, for the Complainant to succeed it must prove, within the meaning of paragraph 4(a) of the Policy, that:

- (i) The Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (iii) The Disputed Domain Name has been registered and is being used in bad faith.

The Panel will therefore deal with each of these requirements.

A. Identical or Confusingly Similar

To prove this element, the Complainant must first establish that there is a trademark or service mark in which it has rights. The Complainant has established that there are trademarks in which it has rights. The Complainant's ARAMCO trademarks have been registered and used in various countries in connection to the Complainant's energy and chemicals business.

The Disputed Domain Name incorporates the Complainant's ARAMCO trademark in its entirety, simply adding the term "international". Where the relevant trademark is recognizable within the Disputed Domain Name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element (see section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

It is well established that generic Top-Level-Domains ("gTLDs"), here ".com", may be disregarded when considering whether the Disputed Domain Name is confusingly similar to a trademark in which the Complainant has rights.

In light of the above, the Panel considers the Disputed Domain Name to be confusingly similar to the Complainant's ARAMCO trademark.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

As established by previous UDRP panels, it is sufficient for the Complainant to make a *prima facie* showing that the Respondent has no rights or legitimate interests in the Disputed Domain Name in order to place the burden of production on the Respondent (see section 2.1 of the [WIPO Overview 3.0](#)).

The Panel notes that the Respondent has not apparently been commonly known by the Disputed Domain Name, and that the Respondent does not seem to have acquired trademark or service mark rights. According to the information provided by the Registrar, the Respondent is "Punnusamy Arulmorzhi" from the organization "Research". The Respondent's use and registration of the Disputed Domain Name was not authorized by the Complainant.

Where a domain name consists of a trademark plus an additional term, UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner (see section 2.5.1 of the [WIPO Overview 3.0](#)). The Disputed Domain Name incorporates the Complainant's ARAMCO trademark in its entirety and merely adds the descriptive term "international", which can obviously be linked to the Complainant given its international activities. Therefore, the Panel finds that the Disputed Domain Name carries a risk of implied affiliation with the Complainant and cannot constitute fair use.

Beyond looking at the domain name and the nature of any additional terms appended to it, UDRP panels assess whether the overall facts and circumstances of the case, including the absence of a response, support a fair use or not (see sections 2.5.2 and 2.5.3 of the [WIPO Overview 3.0](#)).

The Panel finds no signs of a legitimate noncommercial or fair use of the Disputed Domain Name. On the contrary, the Disputed Domain Name is not linked to an active website, and appears to have been used to offer fictitious employment opportunities with the Complainant, and soliciting payments in order to proceed with the application process via email, whereby the Respondent attempted to impersonate a recruitment manager of the Complainant. The Panel finds that the above elements are clear indications of illegal activity using the Disputed Domain Name. UDRP panels have categorically held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods, phishing, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent (see section 2.13.1 of the [WIPO Overview 3.0](#)).

The Respondent had the opportunity to demonstrate his rights or legitimate interests, but did not do so. In the absence of a Response from the Respondent, the *prima facie* case established by the Complainant has not been rebutted.

Therefore, the Panel finds that the Complainant has established that the Respondent has no rights or legitimate interests in the Disputed Domain Name. In light of the above, the Complainant succeeds on the second element of the Policy.

C. Registered and Used in Bad Faith

The Complainant must prove on the balance of probabilities both that the Disputed Domain Name was registered in bad faith and that it is being used in bad faith (see section 4.2 of the [WIPO Overview 3.0](#) and, for example, *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#) and *Control Techniques Limited v. Lektronix Ltd*, WIPO Case No. [D2006-1052](#)).

Paragraph 4(b) of the Policy provides a non-exclusive list of factors, any one of which may demonstrate bad faith. Among these factors demonstrating bad faith registration and use is the use of a domain name to intentionally attempt to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on the website or location.

In the present case, the Panel finds that it is inconceivable that the Respondent was unaware of the Complainant and its trademark rights when he registered the Disputed Domain Name. The Disputed Domain Name includes the Complainant's distinctive trademark in its entirety, and the emails using an address linked to the Disputed Domain Name mention the Complainant's trademark, company name and other information about the Complainant. An attachment to one of these emails even mentions the Complainant's group logo. In the Panel's view, the Respondent's awareness of the Complainant's trademark rights at the time of registration suggests bad faith (see *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. [D2011-2209](#); *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. [D2006-0007](#)).

The Respondent appears to have used the Disputed Domain Name in connection with emails trying to convince Internet users in making payments in the context of a fictitious employment process, while

presenting himself as a recruitment manager of the Complainant. In the Panel's view, this indicates that the Respondent has intentionally attempted to attract Internet users to an online location at the Disputed dDomain Name, for commercial gain by creating a likelihood of confusion with the Complainant's trademark.

Given that the use of a domain name for per se illegitimate activity such as impersonation/passing off can never confer rights or legitimate interests on a respondent, such behavior is manifestly considered evidence of bad faith (see section 3.1.4 of the [WIPO Overview 3.0](#)).

The fact that the Disputed Domain Name currently resolves to an inactive page does not prevent a finding of bad faith.

By failing to respond to the Complaint, the Respondent did not take any initiative to contest the foregoing. Pursuant to paragraph 14 of the Rules, the Panel may draw the conclusions it considers appropriate.

Therefore, the Panel finds that, on the balance of probabilities, it is established that the Disputed Domain Name was registered and is being used in bad faith. In light of the above, the Complainant also succeeds on the third and last element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Disputed Domain Name <aramcointernational.com> be transferred to the Complainant.

/Flip Jan Claude Petillion/

Flip Jan Claude Petillion

Sole Panelist

Date: June 19, 2023